IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Contempt Petition No. 43 of 2007

Smt. Ragini Agarwal W/o Sri Satish Chandra Gupta R/o Shantivihar Colony Pargana, Jwalapur, Tehsil-Haridwar, District Haridwar.

....Petitioner

Vs

Om Prakash Arya S/o Bassant Ram Arya, R/o 691 Ram Nagar Colony Pargana Jwalapur, Tehsil and District Haridwar, Presently R/o Shantivihar Colony Pargana Jwalapur Tehsil Haridwar, District Haridwar. .....Respondent

Sri Rattan Lal, Advocate holding brief of Sri Vivek Shukla, learned counsel for the petitioner.

Hon'ble B.S. Verma, J.

Heard.

By means of this contempt petition, learned counsel for the petitioner has prayed to summon and punish the respondent for flouting the order dated 31-1-2007 passed by this Court in Writ Petition No.45 of 2007 (M/S) Om Prakash Arya Vs. Smt. Ragini Agarwal and another whereby the parties were directed to maintain status quo, as on today, regarding the disputed rasta land.

According to the petitioner, the respondent has broken the wall during the pendency of the suit. It is a disputed question of fact that the wall was demolished or wall ever exists on date of order or not. It is a subject matter of suit and the suit is still pending.

The order of this Court was regarding to maintain status quo, as on today, regarding the disputed rasta land and there is no allegation regarding rasta.

The petitioner may file application under order 39 Rule 2A of C.P.C. before the trial court, if so advised.

With the above facts, the contempt petition is dismissed. Notices are hereby discharged.

All applications stands disposed of accordingly.

(B.S. Verma, J.)

Dated: - 19-12-2007

M.K.